

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

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In Re:

John R. Dolan,  
Debtor.

Bankruptcy 09-31625

Chapter 7 Case

**APPLICATION FOR ORDER  
AUTHORIZING RULE 2004 EXAMINATION**

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Michael J. Iannacone, Trustee of the above named Debtor's bankruptcy estate,  
respectfully applies to the Court for the relief requested below.

1. This court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on March 17, 2009. The case is now pending in this Court.
2. This application arises under 11 U.S.C. § 541 and 542. This application is filed under Bankruptcy Rule 2004 and Local Rule 2004-1. The examinations for which authorization is sought are those of the following:

- Sugarbush, Inc., a Minnesota Corporation  
Registered Office: 2263 Princeton Avenue  
St. Paul, MN 55105
- Daniel Dolan  
2263 Princeton Avenue  
St. Paul, MN 55105
- Chippewa Valley Bank  
15755 County Hwy B  
P. O. Box 13098  
Hayward, WI 54843

- Patrick F. Dolan  
12560 W. 850<sup>th</sup> Ave.  
River Falls, WI 54022

The individuals and entities for which Rule 2004 discovery examination authorization is sought for the following reasons: the Debtor John R. Dolan was and investor in and shareholder of Sugarbush, Inc., a Minnesota corporation formed by John R. Dolan, Patrick F. Dolan, Michael Dolan, and Daniel Dolan to purchase and develop property in Washburn County, Wisconsin. Mortgage financing to Sugarbush, Inc., was provided by Chippewa Valley Bank.

Chippewa Valley Bank also provided certain loans to the Debtor John R. Dolan individually, collateralized by his shares in Sugarbush, Inc. When the Debtor defaulted on his loan, the balance was paid off by Daniel Dolan and Patrick Dolan, and the Debtor's interests in Sugarbush, Inc., were extinguished, by forfeiture of his stock to the corporation and/or to Daniel Dolan and Patrick Dolan.

3. The trustee requests an Order of the Court authorizing subpoenas be issued compelling Sugarbush, Inc., Daniel Dolan, Patrick F. Dolan, and Chippewa Valley Bank to appear and give testimony regarding the transactions with the Debtor and to produce any and all documents concerning transactions and valuations of the Debtor's stock in Sugarbush, Inc.

**WHEREFORE**, Michael J. Iannacone, Trustee, requests an Order of the Court authorizing the examinations of Sugarbush, Inc., Daniel Dolan, Patrick F. Dolan, and Chippewa Valley Bank pursuant to Bankruptcy Rule 2004, and for such other relief as may be just and equitable.

Dated: February 7, 2011

\_\_\_\_\_*/s/ Gordon B. Conn, Jr.*\_\_\_\_\_

Gordon B. Conn, Jr. (#18375)  
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Attorneys for Trustee Michael J. Iannacone

Verification.

I, Michael J. Iannacone, the moving party named in the foregoing application, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on February 8, 2011

  
Michael J. Iannacone

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John R. Dolan,

**UNSWORN CERTIFICATE  
OF SERVICE**

Debtor.  
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Gordon B. Conn, Jr., under penalty of perjury, declares that on the 8<sup>th</sup> day of February, 2011, he e-mailed copies of the Application for Order Authorizing Rule 2004 Examination to the entity named below:

Habbo G. Fokkena, Esq.  
United States Trustee  
[USTPRegion12.MN.ECF@usdoj.gov](mailto:USTPRegion12.MN.ECF@usdoj.gov)

February 8, 2011

/e/ Gordon B. Conn, Jr.  
Gordon B. Conn, Jr.  
6160 Summit Drive, #560  
Minneapolis, MN 55430  
(612) 789-9000  
[conn@kwgc-law.com](mailto:conn@kwgc-law.com)

**UNITED STATES BANKRUPTCY COURT  
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In Re:

Bankruptcy 09-31625  
Chapter 7 Case

John R. Dolan,

**O R D E R**

Debtor  
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At St. Paul, Minnesota.

Michael J. Iannacone, Trustee in the above-entitled matter has applied for authorization to conduct the examinations of Sugarbush, Inc., Daniel Dolan, Patrick F. Dolan, and Chippewa Valley Bank pursuant to Bankruptcy Rule 2004(a) and Local Rule 2004-1(a).

**IT IS HEREBY ORDERED:**

1. The Trustee's application for 2004 examinations of Sugarbush, Inc., Daniel Dolan, Patrick F. Dolan, and Chippewa Valley Bank is GRANTED; and
2. The Trustee shall serve and file a notice of examination, which shall state the time and place for taking the examinations pursuant to Local Rule 2004-1(b).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

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Gregory F. Kishel, Chief Judge  
United States Bankruptcy Court